

REMARKS:

Applicant has carefully studied the nonfinal Examiner's Action and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – 35 U.S.C. § 102

Applicant acknowledges the quotation of 35 U.S.C § 102(e).

Claim 1-3, 8-11 and 15 stand rejected under 35 U.S.C § 103(e) as being anticipated by Hofmann (U.S. Patent No. 6,009,345). The Office states that Hofmann discloses an elongated member having two discrete electrodes spaced along a transverse axis of the elongated member with insulating material between the electrodes that are simultaneously activatable.

Allowable Subject Matter

Claims 4-7 stand objected to as being dependent upon a rejected base claim. The Office states that Claims 4-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent Claims 1 and 15 to clarify that which is being claimed. Claim 4 has been cancelled.

Applicant believes that amended independent Claims 1 and 15 are not anticipated by Hoffman and are believed to be in condition for allowance.

Claims 2, 3, and 5-11 are dependent upon Claim 1, and are therefore allowable as a matter of law.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

RECEIVED
CENTRAL FAX CENTER

SEP 26 2003

Very respectfully,

SMITH & HOPEN

By:


Anton J. Hopen
15950 Bay Vista Drive, Suite 220
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

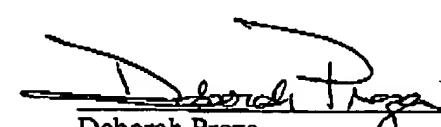
OFFICIAL

Dated: September 25, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3763, Attn.: Michael J. Hayes, (703) 872-9302 on September 25, 2003.

Dated: September 25, 2003


Deborah Preza